

## **MINUTES**

### **MONTANA SENATE 58th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON EDUCATION AND CULTURAL RESOURCES**

**Call to Order:** By **CHAIRMAN BILL GLASER**, on January 24, 2003 at 3:00 P.M., in Room 317-C Capitol.

#### **ROLL CALL**

**Members Present:**

Sen. Bill Glaser, Chairman (R)  
Sen. Bob Story Jr., Vice Chairman (R)  
Sen. Jerry W. Black (R)  
Sen. Edward Butcher (R)  
Sen. Mike Cooney (D)  
Sen. Jim Elliott (D)  
Sen. Royal Johnson (R)  
Sen. Jeff Mangan (D)  
Sen. Don Ryan (D)  
Sen. Tom Zook (R)

**Members Excused:** None.

**Members Absent:** None.

**Staff Present:** Tari Elam, Committee Secretary  
Connie Erickson, Legislative Branch

**Please Note.** These are summary minutes. Testimony and discussion are paraphrased and condensed.

**Committee Business Summary:**

Hearing & Date Posted: SB 202, 1/21/2003; SB 210,  
1/21/2003; SB 212, 1/21/2003  
Executive Action: SB 16; SB 202; SB 196

HEARING ON SB 202

Sponsor: SENATOR ROYAL JOHNSON

Proponents: Lance Melton, Montana School Boards  
Association (MTSBA)  
Eric Feaver, MEA-MFT  
Dave Puyear, Montana Rural Education  
Association (MREA)

Opponents: NONE

Informational Witnesses: Steve Meloy, Executive Secretary, Board  
of Public Education

Opening Statement by Sponsor:

*{Tape: 1; Side: A; Approx. Time Counter: 1.1 - 3.4}*

SENATOR ROYAL JOHNSON, SD 5, Billings, explained this bill allows a portion of the fees collected for teacher certification to be utilized by the Board of Public Education and the Certification Standards and Practices Advisory Council to meet constitutional and statutory duties. The bill stipulates two dollars (\$2.00) of the six dollar (\$6.00) fee will be set aside to assist with meeting these obligations. SEN. JOHNSON stated this type of defined allocation--moving money from one account to another--has been done in the past when shortages have occurred.

Proponents' Testimony:

*{Tape: 1; Side: B; Approx. Time Counter: 3.5 - 4.6}*

Lance Melton, MSBA, indicated his organization's support of the bill, noting it allows for an affective use of funds collected. Mr. Melton also expressed his appreciation to SEN. JOHNSON for sponsoring this bill.

Eric Feaver, MEA-MFT, expressed his organization's support because the bill provides a good way to reallocate the necessary funds at this time.

Dave Puyear, MREA, indicated his organization is in support of this bill.

**Informational Testimony:*****{Tape: 1; Side: B; Approx. Time Counter: 4.7 - 5.5}***

**Steve Meloy, Executive Secretary, Board of Public Education,** expressed his appreciation to **SEN. JOHNSON**. **Mr. Meloy** explained the bill does not increase either teacher certification fees or general fund spending. **Mr. Meloy** noted there is presently a balance of \$96,000 in the research fund. This bill will not preclude the Board from using those dollars to fund research projects.

**Questions from Committee Members and Responses:*****{Tape: 1; Side: A; Approx. Time Counter: 5.8 - 7.8}***

**SENATOR MIKE COONEY** discussed his experience regarding the amount of time it presently takes for the Board to return a teacher's certification certificate. He asked **Mr. Meloy** whether there is in actuality a problem and whether this bill will have an influence on reducing that time. **Mr. Meloy** responded there is a problem in turn around time which is being addressed by the Office of Public Instruction. This bill, however, will not have an affect on that process.

**SENATOR BOB STORY** stated his understanding regarding the present allocation of the six dollar (\$6.00) fee is: four dollars (\$4.00) to the Advisory Council for expenses and two dollars (\$2.00) to the Advisory Council for research. He asked **Mr. Meloy** if this is a correct understanding. **Mr. Meloy** replied in the affirmative. **SEN. STORY** then asked **Mr. Meloy** if he is also correct in his understanding regarding the allocation under the proposed bill: the two dollar (\$2.00) portion of the fee can be used by the Advisory Council for research or may be used by the Board for any purpose. **Mr. Meloy**, again, replied in the affirmative.

**Closing by Sponsor:**

**SEN. JOHNSON** closed discussion on the bill without further comment.

**HEARING ON SB 210**

**Sponsor:** **SENATOR JIM ELLIOTT**

**Proponents:** **Senator Mike Wheat, self**

Representative Larry Jent, self  
Representative John Musgrove, self  
Roger Hagan, Montana National Guard & Air  
National Guard, Enlisted and Officers'  
Associations  
C. Hal Manson, American Legion of Montana  
Larry Longfellow, Adjunct & Quarter Master  
Department of Montana Veterans of Foreign  
Wars (VFW)  
Joe Foster, Administrator, Montana Veterans  
Affairs Division  
Arthur Heffelfinger, self  
Colonel Joseph A. Goldes, U.S. Army  
(Retired), MIL Order of Purple Heart, WWII  
& Korean Veteran, self  
Brigadier General Emil Eschenburg, *in  
absentia*  
Ed Gilleran, *in absentia*

Informational Witnesses: LeRoy H. Schramm, Chief Legal  
Counsel, University of Montana,  
Board of Regents

Opening Statement by Sponsor:

*{Tape: 1; Side: A; Approx. Time Counter: 8.3 - 14.0}*

SENATOR JIM ELLIOTT, SD 36, Missoula, stated this bill provides educational benefits for any veteran with a record of combat duty in the War On Terror. SEN. ELLIOTT stated it is his intent to provide the benefit prior to actual war so as to convey to those who serve our support. He believes the best gift we can provide is one of education as it is the youth of our country who serve to protect the freedoms we hold dear. He continued, stating all too often measures such as these come far too late to help those who have offered themselves to what may be the ultimate sacrifice. So as to be as inclusive as possible, SEN. ELLIOTT explained the bill provides four years of tuition at either a four-year college or vocational institution, and is in addition to any federal or state benefits for which the veteran may qualify. The benefit is transferrable to either a surviving spouse or child.

Proponents' Testimony:

*{Tape: 1; Side: A; Approx. Time Counter: 14.3 - 28}*

**Senator Mike Wheat, SD 14, Bozeman, on behalf of himself,** testified he is a combat Vietnam veteran who worked his way through college doing construction with the benefit of the GI Bill. **SEN. WHEAT** believes any time we ask people to place themselves in harms way, it is incumbent upon us to recognize that sacrifice. The message conveyed to the people of Montana, and to those across the country, is that we are in support of those who make this decision. **SEN. WHEAT** requested permission to depart for a another Committee meeting, noting he would be available for questions if necessary. **CHAIRMAN BILL GLASER** granted the request.

**Representative Larry Jent, HD 29, Bozeman, on behalf of himself,** testified he is a 1973 West Point graduate who served in active duty as an infantry officer from 1973 to 1978 and in Guard and Reserve units thereafter, including the Montana National Guard. **REP. JENT** indicated he supports the bill not only because it honors Montana combat veterans, but will encourage them to return home as well. He stated the bill's reliance upon federal standards delineated in Title 10 for the definitions of "veteran" and "combat veteran" provides for as definitive a standard as possible to identify qualifying persons. **REP. JENT** believes veterans in classrooms provide an enriching quality to the educational process; this bill, therefore, would be money well spent. He also noted members of the Army Reserve and Montana National Guard and Air National Guard have been and continued to be deployed into potentially hostile territories. **REP. JENT** requested he be allowed to return for Executive Action in Human Services; noting his availability for questions if necessary. **CHAIRMAN GLASER** granted the request.

**REPRESENTATIVE JOHN MUSGROVE, HD 91, Milk River Valley, Havre, on behalf of himself,** testified he is a veteran who benefitted from the GI bill. **REP. MUSGROVE** believes this legislation is more than a simple gift of recognition. From a practical standpoint, he sees the GI Bill following WWII as providing the most effective and efficient economic stimulus this country has ever known. He believes this bill will follow that pattern. He respectfully requested the Committee's approval. **REP. MUSGROVE** requested he be allowed to return to his own Committee; noting his availability for questions if necessary. **CHAIRMAN GLASER** granted the request.

**Roger Hagan, Montana National Guard & Air National Guard, Enlisted and Officers' Associations,** expressed his support for the bill and his appreciation to **SEN. ELLIOTT** for his sponsorship. **Mr. Hagan** reiterated information provided **REP. JENT**, noting there are at present at least 200 Montanans located

in Southeast Asia in connection with the War on Terror. He also conveyed to the Committee his organization's willingness to assist **SEN. ELLIOT** and the Committee in any efforts necessary to ensure a clean bill. **Mr. Hagan** also submitted a written statement **EXHIBIT (eds15a01)**.

**C. Hal Manson, American Legion of Montana**, testified his organization is in support of this bill because educating veterans is good for the country. Many soldiers have been places few others have and, therefore, enrich the education process. **Mr. Manson** also believes a good, formal education improves the life not only of the veteran, but for all those around them as well. **Mr. Manson** expressed his appreciation to the Committee.

**Larry Longfellow, Adjunct & Quarter Master, Department of Montana Veterans of Foreign Wars**, expressed his organization's support of SB 210.

**Joe Foster, Administrator, Montana Veterans' Affairs Division**, expressed his organization's support of the bill, noting with particularity his support on behalf of those Montana service persons who have already left their families in order to defend our country.

**Arthur Heffelfinger, on behalf of himself**, testified he is a former Army officer and combat helicopter pilot who served in Vietnam, Panama, and the Persian Gulf. **Mr. Heffelfinger** indicated his support of the bill and asked the Committee to keep in mind the single most important thing that can be done for combat veterans is to educate them. He believes veterans give back to the academic environment as much or more than they receive, conveying his own experiences while at the University of Michigan upon his return from Vietnam. He believes anything that can be done in support of our veterans should be done. **Mr. Heffelfinger** noted there may be a couple of technical issues which need to be addressed. Specifically, for example, the definition of active duty. He explained that a service person may be placed within the United States and still be subject to terrorist bombings. Accordingly, he would like the bill to reflect that possibility.

**Colonel Joseph A. Goldes, U.S. Army (Retired), MIL Order of Purple Heart, WWII & Korean Veteran, self and other veterans**, testified he is a veteran who served in various locations in Europe during WWII. **Colonel Goldes** explained how counter-insurgency has become counter-terrorist: efforts wherein our service people are exposed at all times. He is in strong support of the bill and believes it is truly indicative of the term "nation building." **Colonel Goldes** also conveyed the support of

**Brigadier General Emil Eschenburg and Ed Gilleran, WWII Veteran of Utah Beach.**

**Informational Witness Testimony:**

***{Tape: 1; Side: B; Approx. Time Counter: 28.4 - 31.4}***

**LeRoy H. Schramm, Chief Legal Counsel, University of Montana, Board of Regents,** indicated his organization is in support of the bill as being indicative of our support for veterans. However, concerns arise with regard to what appears to be a conflict between Sections 2 and 4. Section 2 stipulates the "department of administration" shall provide to a qualified veteran, Section 4 states the veteran must supply the "registrar's office" with a department of defense form 214 (DD 214) as proof of service. **Mr. Schramm** would like to ensure this terminology does not preclude the office from seeking additional documentation and would also like clarification regarding submission of documents. Section 4(2) states "the regents shall adopt rules to implement procedures for: (a) obtaining reimbursement from the state for the tuition benefits." **Mr. Schramm** does not see how, given present economic conditions, the University can guarantee this benefit. He thinks it may be necessary to have some type of coordination instructions.

**Questions from Committee Members and Responses:**

***{Tape: 1; Side: B; Approx. Time Counter: 1.4 - 2.0}***

**SEN. STORY** inquired whether the benefits can be distributed to more than one child. **SEN. ELLIOTT** responded the benefit is for four years of college which may be split between surviving members of the veteran's family, and may be used regardless of whether the person is a student in the Montana university system or a Montana vocational/technical institution.

**SENATOR EDWARD BUTCHER** asked **SEN. ELLIOTT** if the benefit is in addition to any federal or state benefits the veteran may be eligible for. **SEN. ELLIOTT** replied in the affirmative, explaining the money is given under the proviso the veteran remain enrolled in a Montana college or VoTech. It is **SEN. ELLIOTT's** intention that the money is made available to the veteran for any purpose. **SEN. ELLIOTT** thinks veterans have a difficult time trying to survive on the present levels of educational benefits.

**Closing by Sponsor:**

**{Tape: 1; Side: B; Approx. Time Counter: 2 - 3}**

**SEN. ELLIOTT** expressed his thoughts regarding the best outcome for all involved: we would not send our citizens into harms-way. In the event that is not possible, he believes this legislation is an appropriate method for conveying our support and recognition of what they have sacrificed for us. **SEN. ELLIOTT** expressed his appreciation to the Committee for their time, consideration, and efforts.

**HEARING ON SB 212**

**Sponsor:** **SENATOR SAM KITZENBERG**

**Proponents:** **Tonie Bloom, Trustee, Corvallis School District #1 and, Director, Montana School Boards Association**  
**Dave Puyear, Montana Rural Education Association**  
**Darrell Rud, School Administrators of Montana (SAM), in absentia**

**Opening Statement by Sponsor:**

**{Tape: 1; Side: B; Approx. Time Counter: 4.8 - 5.3}**

**SENATOR SAM KITZENBERG, SD 48, Valley, Daniels, and Phillips Counties,** explained this bill allows for a second school district mill levy election if changes are made to school funding during the school's fiscal year. The basic premise of the bill is provide schools with another option so as to keep their doors open.

**Proponents' Testimony:**

**{Tape: 1; Side: B; Approx. Time Counter: 5.5 - 7.2}**

**Tonie Bloom, Trustee, Corvallis School District #1, Director, MTSBA,** conveyed the support of both organizations for the bill. **Ms. Bloom** indicated the bill is essentially a safety valve. School districts often discover after entering into contracts and making major expenditures that revenue from the State has been decreased. This bill gives those districts the option of placing the questions and concerns before their local communities.

**Dave Puyear, MREA,** stated this bill offers a positive options for schools and his organization stands in strong support.



Darrell Rud, SAM, *in absentia*, submitted written testimony **EXHIBIT**(eds15a02), through **CHAIRMAN GLASER**.

Questions from Committee Members and Responses:

NONE

Closing by Sponsor:

**SEN. KITZENBERG** closed discussion on the bill without further comment.

EXECUTIVE ACTION ON SB 16

*{Tape: 1; Side: B; Approx. Time Counter: 8.3 - 11}*

**CHAIRMAN GLASER** informed the Committee of **SENATOR JEFF MANGAN's** request to hold **SB 16**--a bill voted on by the Committee on January 15, 2003--from proceeding to the full Senate.

**Motion:** **SEN. MANGAN** motioned that **SB 16** be reconsidered by the Committee. **SEN. MANGAN** explained he was provided with potential amendments to the bill that address concerns raised by various members of the education community. He indicated consensus was reached and the amendment was given to **Connie Erickson** for drafting. **SEN. MANGAN** requested the Committee vote to **Reconsider** and allow him to present the amended bill next week.

**Vote:** Motion carried 8-0, with **SENATORS ELLIOTT** and **JOHNSON** excused.

EXECUTIVE ACTION ON SB 202

*{Tape: 1; Side: B; Approx. Time Counter: 11.3 - 12.0}*

**Motion/Vote:** **SEN. ELLIOTT** moved that **SB 202 DO PASS**. Motion carried unanimously, with **SEN. JOHNSON** voting **YES** via proxy.

**CHAIRMAN GLASER** requested the Committee allow **SENATOR TOM ZOOK** an opportunity to evaluate the fiscal note for **SB 210** before the Committee takes action; without objection. **SEN. ZOOK** noted there are potentially substantial costs associated with the bill due to the number of individuals who might qualify.

**SEN. BUTCHER** inquired whether certain individuals should have been excluded from the fiscal note. He explained tribal members qualify for tuition waivers, and many serve in the armed forces, so the fiscal note may not be accurate in that respect. **SEN. ELLIOTT** explained tuition waivers are paid for by the university system, this benefit would be paid out of the general fund providing direct financial assistance to the veteran. Accordingly, the fiscal note is more than likely in the ballpark.

**CHAIRMAN GLASER** informed the Committee on Monday, 27 January, our regularly scheduled meeting will be inclusive of Executive Action on two or three bills, and an informal discussion regarding the fundamental concepts of school funding.

**EXECUTIVE ACTION ON SB 196**

***{Tape: 1; Side: B; Approx. Time Counter: 19 - 21}***

**Motion/Vote:** **SEN. ZOOK** moved that **SB 196 BE INDEFINITELY POSTPONED**. Motion carried 7-2 with **BUTCHER** and **RYAN** voting no; **SENATOR JOHNSON** excused.

**ADJOURNMENT**

Adjournment: 4:30 P.M.

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SEN. BILL GLASER, Chairman

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TARI ELAM, Secretary

BG/TE

**EXHIBIT** (eds15aad)